

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13765, as amended, of the Chevy Chase Land Co., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue the operation and the use of two T.V. auto tellers and an automatic twenty-four hour teller as an accessory use to the operation of a parking lot in C-3-A and R-5-B Districts at the premises 5351-5355 Wisconsin Avenue, N. W., (Square 1661, Lot 21).

HEARING DATE: June 9, 1982

DECISION DATE: June 9, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of Military Road between 43rd Street and Wisconsin Avenue, immediately adjacent and to the east of the alley to the rear of 5351-5355 Wisconsin Avenue, N. W. It is zoned R-5-B.

2. The subject property is presently used as an accessory parking lot for customers of the First American Bank branch located at 5351-5355 Wisconsin Avenue, N. W. in the C-3-A District. The parking lot use was approved as accessory parking without time limit pursuant to BZA Order No. 5197, dated August 18, 1958.

3. The Board conditionally granted permission to establish two T.V. auto tellers and an automatic teller machine as an accessory use to the parking lot pursuant to BZA Order No. 10962, dated February 29, 1972. BZA Order No. 12380, dated May 12, 1977, continued that approval for a period of five years.

4. As a preliminary matter at the public hearing on the subject application, the representative of the applicant advised that this case was improperly advertised as an application for a special exception for the continued use of a parking lot and two T. V. auto tellers and an automatic twenty-four hour teller. The actual relief sought by the applicant is for a special exception only for the continued use of two T.V. auto tellers and an automatic twenty-four hour teller as accessory uses to a parking lot, as reflected by the actual application. The Board notes that the relief granted in prior BZA Order Nos. 10962 and 12380 addressed the T.V. auto and automatic teller as accessory uses to the

parking lot and further notes that BZA Order No. 5197 did not limit approval of the parking lot to a specific period of time. The application was therefore amended to delete the request for continuation of a parking lot.

5. The applicant proposes to continue the operation of the accessory machines consistent with the Board's prior approval.

6. The representative of the applicant testified that the hours of operation of the T. V. auto tellers are from 9:00 A.M. to 7:00 P.M. The automatic teller is open for use 24 hours a day, 365 days a year and permits customers who wish to have cash or checks deposited or cash withdrawn during non-banking hours to avail themselves of this type of service.

7. The parking lot has a capacity of thirty-one parking spaces and serves the customers of the bank which is located in a C-3-A District across a twenty foot public alley to the west. The lot is paved, landscaped and has an attendant although no attendant's shelter is provided. The entire parking lot is located within 200 feet of a commercial district.

8. Access to the lot is provided from the twenty foot public alley at the western end of the lot and from Military Road at the eastern end. Access to the automatic banking facilities on the lot is from Military Road.

9. The present use has not created any dangerous or otherwise objectionable traffic conditions nor has it adversely affected the present character or future development of the neighborhood. There is no evidence to suggest that this situation would change in the future.

10. By memorandum dated April 27, 1982, the D. C. Department of Transportation reported that it had reviewed the application, and found that the lot serves the customers of the bank and that the lot is clean and well maintained. The DOT had no objection to its continued use. The Board concurs with the findings and conclusion of the DOT.

11. Advisory Neighborhood Commission 3E made no recommendation on this application.

12. There was no opposition to the granting of this application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such

relief, the applicant must demonstrate substantial compliance with Paragraph 3101.48 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied.


The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, subject to the following conditions:

- A. Approval shall be for a period of FIVE years from the date of expiration of the previous certificate of occupancy which may be renewed at the discretion of the Board upon the filing of a proper application.
- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- E. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- F. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Lindsley Williams, Connie Fortune, William F. McIntosh and Charles R. Norris to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: SEP 24 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.